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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,010	06/30/2003	Masaya Ichikawa	TSM-33	1951

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EXAMINER	
RIAD, AMINE	

ART UNIT	PAPER NUMBER
2113	

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/608,010	ICHIKAWA ET AL.	
	Examiner	Art Unit	
	Amine Riad	2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 October 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-14 are presented for examination.

Claims 1-14 are rejected.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Examiner points Applicant to page 15 of the detailed specification. Page 15 discloses that after start up, device driver 1400a is activated. This activation concerns the first server device driver not the server itself. In parallel, the same thing happens within the standby server. Applicant is reminded that there is a difference between activating a device driver, activating a server, and especially a standby server. Examiner affirms that the written description does not enable the new matter added "**wherein a server operating as the primary system and a server operating as the standby system are each set to an active state during normal operation and access requests of the standby system are inhibited based on the management table.**" to independent claims 1,9,10,11,13, and 14.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 6, 9, 10,11, 12, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyamoto US Patent 5,845,061.

In regard to claims 1, 9,10, 11,13, and 14

Miyamoto discloses a server system comprising a plurality of servers that can be each operated as a primary system and a standby system by system switching, (Figure 1; items 101 server of execution system and 102 server of fault auxiliary system) also (Column 9; line 10-13 [server of fault auxiliary system is standby until a fault occurs at the server of execution system]) and a shared disk unit for storing data accessed by said plurality of servers, (Figure 1; item 106) wherein each or said plurality of servers comprises:

- An application means; (Column 4; line 50 " the present invention to provide a client server alternation" [client-server inherently comprises application means to serve the client])
- A driver means that: acquires information on a configuration inside said shared disk unit after starting of said system;(Figure 1; items 109 and 111) and (Column

10; lines 5-8 [when a fault happens among the information handed over (from the server 101 to server 102) is information collected from shared disk 106 by item 109. This information includes the file system structure, and log of number of times of access at the time of occurrence of a fault. This is considered as configuration information]) Based on said configuration information, sets said shared disk unit in an active state in which an access request to said shared disk unit can be sent, and when the driver means receives an access request to said shared disk unit, sands said access request to said shared disk unit; (Column 9; line 63-65 [process admin 108 always monitors the disk processor 109 to check if a fault has occurred or not this is interpreted as item 109 is the one that sets shared disk 106 to active when there is no fault, and sends the requests in this case])

- An access control means that (Figure 1; items 108 and 110)
- Judges whether an access request issued by said application means should be sent, based on a management table indicating inhibited types of access requests for each access destination; (Figure 1; item 108) and (Column 5; lines 15-19)
- and sends said access request to said driver means when said access request is not inhibited for an access destination of said access request (Column 5; lines19-21)

In regard to claim 2,

Miyamoto discloses the server system according to claim 1, wherein:

when a fault occurs in a server operating as the primary system, (Column 4; lines 49-52) then the access control means of said server registers in said management table such that an access request of said application means to any access destination is inhibited (Column 5; line 16-17 [when the state registering table registers the state of the disc processor 109 when a fault occurs the state table inhibits the access to the shared disc through item 109]).

In regard to claim 5,

Miyamoto discloses the server system according to claim 1, wherein:

- management table indicates an inhibited read and/or write access request for each access destination; (Column 14; lines 10-12[reading or writing data in accordance with the request which comes from the processor administrator that contains the administrative table means that the administrative table contains either an inhibited read or write]).

access control means judges, based on said management table, whether a read or write access request issued by said application means should be sent , and sends the read or write access request to said driver means when said access request is directed to an access destination for which the read or write access request is not inhibited (Column 14; lines 6-12 ["In accordance with the request" is considered as checking for the conditions of access]).

In regard to claim 6,

Miyamoto discloses the server system according to claim 1, wherein:

- management table indicates an inhibited file open and/or file close access request for each access destination; (Column 19; lines 28-35 [when a file is locked it is inhibited from being accessed by other processes therefore both its opening, and its closing are inhibited])

- access control means judges, based on said management table, whether a file open or file close access request issued by said application means should be sent (Column 5; lines 15-19), and sends the file open or file close access request to said driver means when said access request is directed to an access destination for which the file open or file close access request is not inhibited (Column 5; lines 19-21).

In regard to claim 12,

Miyamoto discloses the storage medium according to claim 11 in which the program functions as an operating system. (Column 19; lines 24-27)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto US Patent 5,845,061 in view of Padmanabhan Patent Application Publication 2004/0107300.

In regard to claim 3,

Miyamoto discloses the server system according to parent claim 1, which when it operates as a primary server, and receives a switching command the access control registers in the management table inhibited destination (Column 11; lines 4-6 the switching happens only when a fault occurs therefore by updating the state administrative table Miyamoto inhibits the access of the application to any destination) Miyamoto does not disclose that the server system comprises a console for sending to the plurality of servers a system switching command inputted by an operator. Padmanabhan teaches a console for sending to the plurality of servers a system switching command inputted by an operator (Page 5; paragraph 113)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a console for sending to the plurality of servers a switching command inputted by an operator of Padmanabhan into the server system of Miyamoto.

One of ordinary skill in the art at the time the invention would have been motivated to make this combination because adding manual switching would make the system more flexible, allowing an operator to switch from one server to the other at anytime for maintenance purposes for example.

In regard to claim 7,

Miyamoto discloses receiving the command for registering, deleting or changing inhibited access requests for each access destination; and registering the deleting command, the changing command, and the registering command in the management table (Column 19; lines 34-40) and (Figure 30; item 84 update file administration information updating fie administration information is interpreted as registering, deleting, and changing).

- Miyamoto does not disclose a server system that comprises a console for sending said plurality of servers a command by an operator.

- Padmanabhan teaches a console for sending to the plurality of servers a command for registering, deleting or changing inhibited access requests by an operator. (Page 5; paragraph 113)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a console for sending to the plurality of servers a command for registering, deleting or changing inhibited access requests by an operator by Padmanabhan into the server system of Miyamoto.

One of ordinary skill in the art at the time the invention would have been motivated to make this combination because adding manual switching would make the system more flexible, allowing an operator to switch from one server to the other at anytime for maintenance purposes for example.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto US Patent 5,845,061 in view of Raz US Patent 5,913,227.

In regard to claim 4,

Miyamoto discloses the server system as recited in parent claim 1.

Miyamoto does not disclose that at least write is inhibited from management table by the access control means.

Raz teaches in (Column 5; lines 65-67) and (Column 6; lines 1-5) that the agent makes a determination by referring to a locally maintained table in which the agent records the granting and the release of locks per file. Raz teaches also that a shared lock can be granted and the new file access request is a read only not a write request.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine inhibiting write request from the management table by the access control means as taught by Raz with the server system of Miyamoto.

One of ordinary skill in the art at the time the invention would have been motivated to make this combination because writing to the shared disk while recovering from a fault occurring in the master server could corrupt the data existing in the shared disk.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto US Patent 5,845,061 in view of Odanaka JP 05241876.

In regard to claim 8,

Miyamoto discloses the server system as recited in parent claim 1,

Miyamoto does not disclose a console for sending each of said plurality of servers a command that is inputted by an operator and that requests contents of the management

table, and for outputting the contents of the management table received from the server in question.

Odanaka teaches sending a command that is inputted by an operator and outputting the content of the management table (Abstract; "and the table is outputted to a console")

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a console for sending to the plurality of servers a command for outputting the content of management table by an operator by Odanaka into the server system of Miyamoto.

One of ordinary skill in the art at the time the invention would have been motivated to make this combination because manually outputting the content of the management table would give the system an additional option to view the data.

Response to Applicant's Argument

Applicant arguments filed on October 10, 2006 have been fully considered, and are not persuasive.

In regards to the argument in which the Applicant states that "Miyamoto, fails to teach or suggest access control means that judges whether an access request issued by the application means should be sent based on a management table indicating inhibited of access for each access destination and sends the access request to the driver means when the access request is not inhibited for access destination of the access request as recited in the claims." Examiner respectfully disagrees. Examiner points Applicant to Column 5 where Miyamoto discloses "Furthermore, the process administrator includes a

state administration table for registering the state of the disk processor and fault monitor for monitoring occurrence of a fault in the disk processor and for updating registration of the state administration table, and the transfer processing of the "request" is conducted in accordance with registration contents of the state administration table."
Examiner considers the administration table as a management table. The management table has the role according to Miyamoto to either allow requests or stop request based on the content of the table. Thus, Miyamoto administration table matches with application's table. The demonstration shown before makes Applicant argument invalid.
In regards to the second argument in which the Applicant states "Miyamoto fails to teach or suggest that a server operating as the primary system and a server operating as the standby system are each set to an active state during operation and access requests of the standby system are inhibited based on the management table"
Examiner affirms that the new matter has no support within the written description, and the issue was addressed in the 112 first rejection above.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amine Riad whose telephone number is 571-272-8185. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on 571-272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AR
Amine Riad
Patent Examiner
11/30/06